

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS,
DEPARTMENT OF HEALTH,
BOARD OF MEDICAL LICENSURE
AND DISCIPLINE

C92-014

In the Matter of:
Constantine P. Pagonis, M.D.

CONSENT ORDER

Pursuant to Section 5-37-5.1 of the General Laws of the State of Rhode Island, 1956, as amended, complaints were filed with the Board of Medical Licensure and Discipline (hereinafter referred to as "Board") alleging that Constantine P. Pagonis, M.D., Respondent, violated certain Sections of 5-37-5.1 of the General Laws of the State of Rhode Island, 1956, as amended. Investigations were conducted by an Investigating Committee of the Board. The Investigating Committees reported its evaluations and recommendations to the Board. The report was reviewed by the Board and it recommended further action. The following constitutes the Finding of Facts with respect to the professional performance of the Respondent:

Findings of Facts

1. The Respondent approached a hospital food service worker while she was on duty and suggested that he ~~not~~ ^{not} be able to help her with her acne. A couple of weeks later, the Respondent approached her and provided acne medication to her and explained how to use it. The Respondent and the acne patient had several contacts regarding her condition while both were working at the hospital. The Respondent suggested that she visit his office for some antibiotic and skin cream. The patient arrived at his office at about noon and was met in the parking lot by the respondent who explained he would have to see her later because he was called to an emergency. The patient returned to the Respondent's office an hour and half

later. All but one of the offices appeared to be closed. When she attempted to knock on the Respondent's door he opened it and greeted her. She observed that the lights were out and the staff was not present. When she inquired about this she was told by the Respondent that his secretary was at lunch. The Respondent walked her into the examining room and she sat down on the examining table. The Respondent returned to the examining room with a bottle of liquor and asked the patient if she wanted a drink. She said no but agreed to have some water. The Respondent then told her he could provide some pills and some topical cream for her acne. He left the examining room and returned with the pills. She stood up to reach for the pills and the Respondent grabbed her hand and put it on his genitals. She tried to pull her hand away but he held it there. She pushed his shoulder and the Respondent reached his other hand under her bra and squeezed her breast. During the struggle the patient was yelling for the Respondent to stop. He responded that he could see in her eyes that she liked him.

The patient freed her hand, pushed the Respondent as hard as she could and turned to grab her jacket next to the examining table. As she turned, the Respondent reached into the back of her pants and pulled out her sweater. He then grabbed the cheeks of her face, forcing open her lips. He then kissed her forcing his tongue into her mouth. Once again, she shoved him away, grabbed her belongings, and ran out of his office.

The patient immediately notified her boyfriend and a dentist with whom she had an appointment following the visit to the Respondent's office. The dentist called the police.

2. The Board finds that the Respondent is guilty of unprofessional conduct by violating Rhode Island General Laws 5-37-5.1.

The parties agree as follows:

- (1) The Respondent is a physician licensed and doing business under and by virtue of the Laws of the State of Rhode Island, allopathic license No. 4673. Respondent's mailing address is 106 Nate Whipple Highway, Cumberland, Rhode Island 02864.

- (2) Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.

- (3) Respondent has read this Consent Order and understands that it is a proposal of the Investigating Committee of the Board and is subject to the final approval of the Board. This Consent Order is not binding on respondent until final ratification by the Board.

- (4) Respondent hereby acknowledges and waives:
- a. The right to appear personally or by counsel or both before the Board;
 - b. The right to produce witnesses and evidence in his behalf at a hearing;
 - c. The right to cross examine witnesses;
 - d. The right to have subpoenas issued by the Board;
 - e. The right to further procedural steps except for specifically contained herein;
 - f. Any and all rights of appeal of this Consent Order;
 - g. Any objection to the fact that this

- Consent Order will be presented to the Board for consideration and review;
- h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;
- i. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order.

(5) If the Consent Order is not accepted by the Respondent, the Investigating Committee will recommend to the Board that an Administrative Hearing be scheduled with respect to any and all acts of alleged unprofessional conduct. If the Board approves, an Administrative Hearing will be scheduled. A Hearing Committee will be convened for the purpose of conducting the Administrative Hearing. The composition of the Hearing Committee is described by statute. If the Hearing Committee votes in favor of finding the Respondent guilty of unprofessional conduct as specified in the charges, the Board shall prepare written finding of fact and law in support of said conclusion. If the accused is found not guilty, the Board shall, forthwith, issue an order dismissing the charges.

(6) The acceptance of this Consent Order means the Respondent agrees not to contest this matter further.

(7) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board. It shall be published as the Board determine.

- (8) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.
- (9) The Respondent agrees to a Sanction of a Two Year suspension of his license to practice medicine which shall be stayed. The Respondent shall be on Probation for Five Years during which time his license shall be restricted. Should the Respondent violate the terms of this Consent Order, his license to practice medicine will be Suspended Indefinitely. The license restrictions are as follows:
- a. The Respondent shall enter into a three year contract with the Physicians Health Committee with monthly compliance reports to the Board.
 - b. The Respondent shall enter into therapy with a licensed therapist approved by the Board. The therapist must report his/her findings and evaluations to the Board on a monthly basis. The therapy shall be on a weekly basis and may be modified only after careful evaluation of the Respondent's progress by the Board and with prior written approval of the Board.
 - c. The Respondent shall hire a Licensed Nurse who shall be present during all contacts with female patients. The Licensed Nurse must be approved by the Board and must report to the Board on a monthly basis. The Nurse shall be informed fully by the Board of her duties and the reasons and purpose of her presence.
 - d. The Respondent shall abstain from all mood altering drugs and alcohol during the period of his probation and shall submit to random urine screening.

e. The Respondent shall obtain a combination of 20 Continuing Medical Education credits within two years in the following areas:

1. Signs and symptoms of sexual abuse.
2. Personal and professional boundaries.
3. Signs and symptoms of domestic violence.
4. Transference-counter transference in the physician patient relationship.

The Continuing Medical Education courses must have prior written approval of the Board.

June
A. DeBuono

Signed this _____ day of _____ 1993.

Constantine P. Pagonis, M.D.

Ratified by the Board of Medical Licensure and Discipline at a meeting held on _____ 1993.

Barbara A. DeBuono M.D., M.P.H.
Chairperson
Board of Medical Licensure and
Discipline